

Atty. Dkt. No. 200207627-1

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REMARKS

This reply is in response to the Office Action mailed on July 5, 2006 in which Claims 1-8, 10-14 and 20-28 were rejected. With this response, claims 27 and 28 are canceled. Claim 26 is amended to incorporate the limitations of former dependent claim 27. Claim 23 is amended to address objections to the drawings. Since such amendments are believed to place the application in condition for allowance and do not raise new issues requiring further search, Applicants respectfully request entry of such amendments. Claims 1-8, 10-14, and 20-26 are presented for reconsideration and allowance.

I. Examiner Interview Summary.

On August 30, 2006, a telephonic interview was held between Examiner Adams and Applicants' attorney, Todd A. Rathe. Examiner Adams indicated that an English version of Gaissmaier could be found in corresponding US Patent 6,612,568. Examiner Adams further clarified what was considered to be the "backstop" in Gaissmaier.

Applicants which thank Examiner Adams for the opportunity to discuss the case and for Examiner Adams informing Applicants of the existing English version of Gaissmaier.

II. Objection To the Drawings

Page 2 of the Office Action objected to the drawings noting that the multiple belts, rollers and slides recited in claim 23 are not shown. In response, claim 23 is amended to delete such limitations. Accordingly, Applicants respectfully request withdrawal of the objection.

III. Rejection of Claim 135 USC 112, Second Paragraph

Page 3 of the Office Action rejected claim 135 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claimed the subject matter of the invention. In particular, the Office Action asserted that the phrase "the top surface is not engaged by any other overlying structure" implies that there is at least one overlying structure engaging a top surface and no more than the at least one. The Office Action further indicates

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that it was assumed that Applicant meant that no overlying structure engages an entirety of a tray top surface.

In response, Applicants respectfully point out that claim 1 does not recite any overlying structure engaging the top surface. With regard to the assumption made in the Office Action, Applicants point out that the claim does not recite "no overlying structure engages an entirety of a tray top surface". Rather, claim 1 recites that the entirety of the top surface is not engaged by any other overlying structure prior to receiving an object. In other words, no portion of the top surface is engaged by an overlying structure prior to receiving an object. Accordingly, in light of this explanation, Applicants request that the rejection of claim 1 under 35 USC 112, second paragraph be withdrawn.

II. Rejection of Claims 1, 4-6, 20 and 25-26 under 35 USC § 102(b) based upon Komori.

Paragraph of 1 of the Office Action rejected claims 1, 4-6, 20 and 25-26 Under 35 USC § 102(b) as being anticipated by Komori (US Patent 3,919,972). Claims 1, 4-6, 20 and 25-26, as amended, overcome the rejection based upon Komori.

A. Claim 1

Claim 1 recites an object catch bin which includes a backstop and a tray. The tray is angularly disposed to the backstop and pivots about the vertex of the tray and the backstop. The tray has a top surface, wherein the object catch bin is configured such that an entirety of the top surface is not engaged by any overlying structure prior to receiving an object.

Komori fails disclose an object catch bin having a top surface, wherein the object catch bin is configured such that an entirety of the top surface is not engaged by any overlying structure prior to receiving an object. In contrast, Komori discloses a feed roller 10 which engages the top surface of plate 5 when no objects are upon plate 5.

In response to Applicant's arguments regarding the rejection of claim 1 based upon Komori, the Office Action refers to Figure 3 of Komori and asserts that Figure 3 shows an embodiment wherein a top surface is not engaged by any other structure. However, this is

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incorrect. The corners of the top surface of plate 5 are both engaged by separation pawls 7 when no media is upon plate 5. Accordingly, the rejection based upon Komori should be withdrawn. Claims 4-6, 20 and 25 depend from claim 1 and overcome the rejection for the same reasons.

B. Claim 26

Claim 26 is amended to incorporate the limitations of former dependent claim 27 which is canceled. As apparently acknowledged by the Office Action not rejecting former claim 27 based upon Komori, Komori fails to disclose each of the limitations of claim 26 which now includes the limitations of former claim 27. Accordingly, claim 26, as amended, overcomes the rejection based on Komori.

III. Rejection of Claims 1-8, 10-14 and 20-28 under 35 USC 102(B) Based upon Gaissmaier

Section 2 of the Office Action rejected claims 1-8, 10-14 and 20-28 under 35 USC 102(b) as being anticipated by Gaissmaier et al. WO 99/41021. For the reasons which follow, Applicants respectfully request that the rejection of such claims based on Gaissmaier be withdrawn.

A. Claim 1

Claim 1 recites a backstop and a tray angularly disposed to the backstop, the tray pivotal about the vertex of the tray and the backstop.

Gaissmaier fails to disclose a tray which pivots about the vertex of the tray and a backstop. In contrast, Gaissmaier discloses a piling floor 4 which pivots about an axis between floor 4 and wall 9, not wall 7. In rejecting claim 1, the Office Action characterizes wall 9 as a "backstop". However, this characterization of wall 9 as a "backstop" to reject claim 1 would seem to contradict the plain meaning of the term "backstop" as would be understood by one of ordinary skill in the art. One of ordinary skill in the art would understand the term "backstop" to mean a structure which stops an object moving in a direction from moving past the structure. For example, in baseball, the "backstop" is the wall

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behind home plate which stops a ball being thrown towards home plate from moving past the wall.

With respect to Gaissmaier, parcels are ejected through opening 1 into the piling bin in the direction indicated by arrow 14, wherein movement of the parcels in the general direction indicated by arrow 14 is stopped by impact wall 7. Accordingly, impact wall 7, not wall 9, meets the plain meaning of the term "backstop". However, as clear from Figure 1, piling floor 4 does not pivot about a vertex of floor 4 and impact wall 7. One of ordinary skill in the art would not consider wall 9 as a "backstop". Thus, Gaissmaier fails to disclose a tray that pivots about the vertex of the tray and a backstop. Claims 2-7 and claim 20 depend from claim 1 and overcome the rejection for the same reasons.

B. Claims 8 and 22

Claim 8 recites an object catch bin which includes a tray and a backstop. The tray is pivotable relative to the backstop between a first position in which object engaging surfaces of the tray and of the backstop are at a first angle and a second position in which the object engaging surfaces of the tray and the backstop of our at a wider and obtuse second angle.

Claim 22 recites an apparatus which includes a tray and a backstop having surfaces angularly spaced from one another by an obtuse angle and configured to engage caught objects.

Gaissmaier fails to disclose a tray and a backstop angularly spaced from one another by an obtuse angle. As noted above with respect to the rejection of claim 26, wall 9 cannot be properly characterized as a "backstop" given the plain meaning of the limitation "backstop" as would be understood by one of ordinary skill in the art. Rather, impact wall 7 would alternatively appear to meet the meaning of the term "backstop". However, piling floor 4 of Gaissmaier does not extend at an obtuse angle with respect to impact wall 7. In fact, Gaissmaier specifically requires that impact wall 7 be angularly disposed relative to piling floor 4 at an angle of between 70° and 90°. Thus, Gaissmaier teaches away from angularly disposing piling floor 4 at an obtuse angle with respect to impact wall 7. Thus, Applicants

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respectfully request that the rejection of claims 8 and 22 based on Gaissmaier be withdrawn. Claims 10-14 and 21 depend from claim 8 and overcome the rejection for the same reasons.

IV. Rejection of Claim 3 under 35 USC § 103(a) Based upon Komori in Combination with Kim.

Section 3 of the Office Action rejected Claim 3 under 35 USC § 103(a) as being unpatentable over Komori in view of Kim (U.S. Patent Publication No. 2002/0084576). Claim 3 depends from Claim 1. Because Kim fails to satisfy the deficiencies of Komori with respect to Claim 1, Claim 3 overcomes the rejection based upon Komori in view of Kim for the same reasons discussed above with respect Claim 1.

V. Conclusion.

After amending the claims as set forth above, Claims 1-8, 10-14, and 20-26 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

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Respectfully submitted,

Date August 30, 2006

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